



**CITY OF FAIRFAX, VIRGINIA**

**APPLICATION PACKAGE FOR:  
ZONING MAP AMENDMENT  
(REZONING),  
PROFFER PLAN/GDP AMENDMENT,  
PROFFER AMENDMENT AND  
OLD TOWN FAIRFAX REDEVELOPMENT OPTION**



July 2010

To the Rezoning Applicant:

On behalf of the City of Fairfax, I would like to extend you a warm welcome and wish you the best on your planned project. The City looks forward to a quality project which future developments in the City will seek to emulate. Tree coverage and landscaping will play an important role in enhancing the desirability of your project as well as furthering the City's environmental and community appearance goals.

Providing and retaining a generous tree cover has long been an emphasis in the City of Fairfax, and the City has been recognized as "Tree City USA" by the National Arbor Day Foundation on several occasions. Our "Tree Preservation Ordinance", contained in the zoning text, provides strong guidance on the preservation and replacement of trees within the City. More specifically the Ordinance seeks to:

*Encourage the planting and proper care of trees throughout the city, to ensure the preservation of existing trees and the replenishment of tree stock to the maximum extent possible, and otherwise provide or appropriate screening and landscaping. These actions are intended to contribute to the health, safety and welfare of the city by decreasing flooding, soil erosion, air pollution and noise, improving aesthetics and increasing property values. Tree replenishment, performed in accordance with the Comprehensive Plan and the Community Appearance Plan, will contribute to establishing and reinforcing a positive identity for the city. In addition, the implementation of screening and landscaping requirements will improve compatibility of uses by providing privacy and enhancing the aesthetic transition between uses.*

The City Council has directed the staff to devote a great deal of attention to the preservation and siting of trees when reviewing land use applications. Since you now have an application under consideration, I want to apprise you of the City's "Tree Ordinance" and policy addressing the importance of planning for trees on your site. Should you have any questions relative to the specific implications for your plan, please contact the Planning Division Chief, at 703-385-7930 or the Zoning Administrator at 703-385-7820.

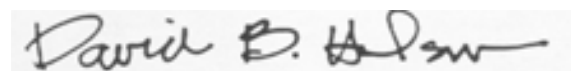
To assist you in completing your request for a Zoning Map Amendment, Proffer Plan/General Development Plan Amendment, Proffer Amendment or the Old Town Fairfax Redevelopment Option an application and explanatory materials are included for your use. Duplicate originals of all required documents, signed by the necessary parties, must be submitted to the Zoning Office, together with required fees, proposed plans and proffers (where applicable) to initiate an amendment.

Once a fully completed application package is received and accepted by the Zoning Administrator, the materials are forwarded to the Department's Planning Division for evaluation and a staff report with a recommendation is prepared. The application may then be scheduled for the required Planning Commission and City Council work sessions and/or public hearings. The rezoning process, from application submittal to final City Council action may take approximately six months. Some applications will be processed in a shorter period of time, some longer, depending on the complexity of the application.

In addition, if the requested zoning designation is one of the "planned development" districts, then the applicant may request an informal joint meeting with the Planning Commission and City Council to review the proposed general development plan. This process, which is done prior to official submittal of the application, provides the applicant with feedback during the conceptual design stages.

Regardless of the zoning designation requested, a Pre-Application Meeting should be arranged through the Zoning Office to discuss your proposal. If you should any questions pertaining to the application submittal process or zoning requirements, please contact the Zoning Office at 703-385-7820. Questions pertaining to the rezoning evaluation process and scheduling should be directed to the Planning Office at 703-385-7930.

Sincerely,

A handwritten signature in dark ink, appearing to read "David B. Hudson", is shown within a light gray rectangular border.

David B. Hudson  
Director, Community Development and Planning

## **CONTENTS**

Checklist- Page 5

Application - Page 6

Affidavit Form - Page 8

Equitable Ownership Disclosure Statement - Page 10

City Code Sections 110-5 through 8- Page 11

### **IMPORTANT PHONE NUMBERS**

Planning Director	385-7930
Public Works Director	385-7810
Zoning Administrator	385-7820
Commissioner of Revenue	385-7884
Treasurer	385-7900
Utilities	385-7920

**CITY OF FAIRFAX  
ZONING MAP AMENDMENT,  
PROFFER PLAN/GDP AMENDMENT,  
PROFFER AMENDMENT OR  
OLD TOWN FAIRFAX REDEVELOPMENT OPTION  
CHECKLIST**

Application and all legal documents must be complete and filed in duplicate. All applications for rezoning are required to submit the following information at the time of filing the application. If the application and forms are not complete at the time of filing, the application will not be considered filed and therefore will be not be processed further.

- ☐ Complete original application and original signatures by all necessary parties.
- ☐ Required filing fees: **\$10,000, plus \$500 per acre (Zoning Map Amendments and Old Town Fairfax Redevelopment Option; \$4,800 (Proffer Plan/GDP Amendments); \$5,000 (Proffer Amendments) [City revenue account # 313323]**
- ☐ Certified plat of the property bearing certification date within six months of the filing date of the application.
- ☐ Metes and bounds description certified by a certified land surveyor prepared within six months of the filing date of the application.
- ☐ Statement of support or letter of justification, traffic study outlining peak vehicle trips per hour and day and any associated documentation.
- ☐ Legal and equitable ownership disclosure statement.
- ☐ The applicant and owner's signatures on the application must be witnessed by a notary.
- ☐ Required or proffered plans and tree survey indicating the location and species of each tree five inches or greater in caliper, measured six inches above the ground located on the subject site (20 copies)
- ☐ If proffers are proposed with the rezoning, they must be signed by all property owners and the applicant.
- ☐ Revenues and Expenditures Statement. (required for planned development districts)
- ☐ Electronic copy in pdf format of the application and "final" plans, submitted upon completion of staff review, along with 20 copies of the "final" prints of the plan.

Application No. \_\_\_\_\_

**CITY OF FAIRFAX  
ZONING MAP AMENDMENT,  
PROFFER PLAN/GDP AMENDMENT,  
PROFFER AMENDMENT OR  
OLD TOWN FAIRFAX REDEVELOPMENT OPTION  
APPLICATION**

I/We \_\_\_\_\_ by \_\_\_\_\_  
(name of applicant) (authorized agent's name and relationship to applicant)  
a *corporation / general partnership / limited partnership / sole proprietorship/individual* (circle one) which is the  
*property owner / contract purchaser / lessee* (circle one)  
of Lots \_\_\_\_\_, Block \_\_\_\_\_, Section \_\_\_\_\_ of the  
\_\_\_\_\_ Subdivision containing \_\_\_\_\_ (Sq. Ft.) on the premises known as  
\_\_\_\_\_ requests that the property currently zoned \_\_\_\_\_ be  
rezoned to \_\_\_\_\_. This property is recorded in the land records of Fairfax County in the name of  
\_\_\_\_\_ in Deed Book \_\_\_\_\_, Page \_\_\_\_\_.  
(name and address of subject property)

I hereby state that no application for a change in zoning has been made for this property within the last twelve (12) months in accordance with Section 110-5 of the City Code. A prior application was made on \_\_\_\_\_.

\_\_\_\_\_  
(signature of applicant or authorized agent)

\_\_\_\_\_  
(title or relationship)

Address \_\_\_\_\_ Phone: \_\_\_\_\_

STATE OF VIRGINIA to-wit:

I, the undersigned, a Notary Public in and for the State aforesaid, whose commission as such will  
expire on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, do hereby certify that this day personally appeared  
before me in the State  
aforesaid \_\_\_\_\_

(Name)

(Title)

whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the  
day of, \_\_\_\_\_, 2\_\_\_\_\_, and acknowledged the same before me.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_

\_\_\_\_\_  
Notary Public / Registration #

**THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER**

I/We \_\_\_\_\_ by \_\_\_\_\_ hereby certify that the applicant named above has the authority vested by me to make this application.

\_\_\_\_\_  
(signature of owner or authorized agent) (title or relationship)  
Address \_\_\_\_\_ Phone: \_\_\_\_\_

STATE OF VIRGINIA to-wit:

I, the undersigned, a Notary Public in and for the State aforesaid, whose commission as such will expire on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, do hereby certify that this day personally appeared before me in the State aforesaid \_\_\_\_\_

(Name)

(Title)

whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the day of, \_\_\_\_\_, 2 \_\_\_\_\_, and acknowledged the same before me.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_

\_\_\_\_\_  
/\_\_\_\_\_  
Notary Public Registration #

**FOR OFFICE USE ONLY**

Proposal filed: \_\_\_\_\_ Received by: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Previous Cases: \_\_\_\_\_  
Current status of business license and fees: \_\_\_\_\_  
Treasurer: \_\_\_\_\_  
Commissioner of Revenue: \_\_\_\_\_

**AFFIDAVIT  
CITY OF FAIRFAX**

I, \_\_\_\_\_, by \_\_\_\_\_ do hereby make oath or affirmation that  
(name of applicant or agent)

I am an applicant in Application Number \_\_\_\_\_ and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name: \_\_\_\_\_

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

Partnership Name: \_\_\_\_\_

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____



2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

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3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

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WITNESS the following signature: \_\_\_\_\_  
Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the State of \_\_\_\_\_

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public/ Registration #

EQUITABLE OWNERSHIP DISCLOSURE STATEMENT

I. GENERAL DISCLOSURE REQUIREMENTS

In accordance with § 110-5 (d) of the Code of the City of Fairfax, Any application for a change in zoning shall include as part of the application a statement on a form provided by the zoning administrator providing complete disclosure of the legal and equitable ownership in any real estate to be affected by the requested change in zoning.

In the case of corporate ownership of real estate, the disclosure shall include the names of stockholders, officers and directors and in any case the names and addresses of all the real parties in interest; provided, however, that the requirement of listing the names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. Such disclosure shall be sworn to under oath before a notary public or other official before whom oaths may be taken.

II. IDENTIFICATION OF REAL PROPERTY AFFECTED

Map Number      Parcel Number      Street Address      Current Owner of Record

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III. DESCRIPTION OF CHANGE IN ZONING REQUESTED

Completely describe the action being requested, attach narrative if desired.

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IV. SPECIFIC EQUITABLE OWNERSHIP DISCLOSURE

The following individuals have legal and equitable ownership in the real estate to be affected by the requested change in zoning. (Include name, address and telephone number)

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THE DISCLOSURE MADE ON THIS FORM IS IN ACCORDANCE WITH § 110-5 (D) OF THE CODE OF THE CITY OF FAIRFAX MUST BE SWORN UNDER OATH BEFORE A NOTARY PUBLIC OR OTHER OFFICER BEFORE WHOM OATHS MAY BE TAKEN. ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURE NOTARIZED. ATTACH A SEPARATE SHEET IF NECESSARY.

I hereby swear to the best of my knowledge that the information provided in this statement is true and complete.

\_\_\_\_\_  
Signature

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Registration No.

## **Relevant Code Sections:**

### **Sec. 110-5. Zoning map amendments.**

(a) *Application.* Application for a change of zoning (zoning map amendment) of a parcel or parcels of land, including amendments to any previously-approved general development plan or any conditions previously proffered by an applicant and accepted by the city council, shall be made by the property owner, contract purchaser with the owner's consent or the owner's agent on forms provided by the zoning administrator. The application shall be accompanied by a plat bearing a certification date within six months of the date of filing such application prepared by a certified surveyor. In addition, the applicant shall provide the information required by subsection (d) of this section under oath sworn to, before a notary public or other official before which oaths are taken, by the applicant, his attorney or agent. All required information, the fee required by section 110-3 and all other required costs, shall accompany the application before it shall be considered filed.

(b) *Advertisement required.* All applications shall be referred to the planning commission and heard by it in a legally advertised public hearing. The planning commission shall not recommend nor the city council approve any application until notice of intention to do so has been published once a week for two successive weeks in a newspaper published or having general circulation in the city; provided that such notice for both the planning commission and the city council may be published concurrently. Such notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement shall appear in such newspaper. The planning commission and city council may hold a joint public hearing after public notice as set forth in this section. If such joint hearing is held, then public notice as set forth in this section need be given only by the city council. The term two successive weeks as used in this subsection shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any amendment, further publication thereof shall not be required.

(c) *Written notice required.* When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required in subsection (b) of this section, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the planning commission or its agent. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be re-mailed. Costs of any notice required under this chapter shall be taxed to the applicant. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, then, in addition to the advertising as required in subsection (b) of this section, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local planning commission shall make affidavit that such mailings have been made and file such

affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local planning commission to give written notice to the owner, owners or their agent of any parcel involved. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees association, respectively, in lieu of each individual unit owner. Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. At least ten days prior to the date of any public hearing before the planning commission on any proposed change in zoning, the notice shall be posted on the property by the city indicating the nature of the change in zoning and the time and place of the public hearing.

(d) *Disclosure of legal and equitable ownership.* Any application for a change in zoning shall include as part of the application a statement on a form provided by the zoning administrator providing complete disclosure of the legal and equitable ownership in any real estate to be affected by the requested change in zoning. In the case of corporate ownership of real estate, the disclosure shall include the names of stockholders, officers and directors and in any case the names and addresses of all the real parties in interest; provided, however, that the requirement of listing the names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. Such disclosure shall be sworn to under oath before a notary public or other official before whom oaths may be taken.

(e) *City council action.* After the public hearing before the planning commission, the commission may report a recommendation to the city council. Failure of the commission to report 90 days after the first meeting of the commission after the proposed amendment has been referred to the commission, or such shorter period as may be prescribed by the city council, shall be deemed approval. The city council shall hold a public hearing on the proposed amendment and render its decision only after posting, advertising and notification of property owners by the city of the public hearing have been performed in the manner specified in subsections (b) and (c) of this section. After the public hearing, the city council may make appropriate changes or corrections in the ordinance or proposed amendment. The public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by this section.

(f) *Status upon denial.* Upon the denial of any application for a change in zoning, no further application for a change in zoning which is substantially the same as that which was denied shall be filed for such property within 12 months of the date of denial except as provided for in subsection (h) of this section.

(g) *Withdrawal of application.* The applicant may withdraw any application filed pursuant to subsection (a) of this section at any time before the matter is called on the agenda of the city council for the advertised public hearing. Thereafter, such application may be withdrawn only upon the affirmative vote of the majority of the city council present and voting.

(h) *City council initiated zoning map amendment.* The city council may initiate a change in zoning by referring a proposal to the planning commission for a public hearing, whether or not any application for change in zoning of the property has been denied within the preceding 12 months. (Code 1978, § 26-5; Ord. No. 2001-18, 11-13-2001)

**State law references:** Similar provisions, Code of Virginia, §§ 15.2-2204, 15.2-2285.

**Sec. 110-6. Zoning text amendments.**

(a) *Initiation.* Any amendment to this chapter, except zoning map amendments, shall be initiated by affirmative vote of the planning commission or city council.

(b) *Planning commission hearing and advertisement required.* All such amendments shall be heard by the planning commission in a legally advertised public hearing. Proposed amendments shall be advertised by publication as specified in subsection 110-5(b).

(c) *City council action.* After the public hearing before the planning commission, the commission may report a recommendation to the city council. Failure of the commission to report 90 days after the first meeting of the commission after the proposed amendment has been referred to the commission, or such shorter period as may be prescribed by the city council, shall be deemed approval. The city council shall hold a public hearing on the proposed amendment and render its decision only after advertisement of the public hearing has been performed in the manner specified in subsection (b) of this section. After the public hearing, the city council may make appropriate changes or correction in the ordinance or proposed amendment.

(Code 1978, § 26-5.1)

**State law references:** Similar provisions, Code of Virginia, § 15.2-2285.

**Sec. 110-7. Procedure for acceptance of proffers.**

(a) If an applicant for a change of zoning desires to proffer reasonable conditions as permitted in this section, then either the proffers or a statement of intent to submit proffers shall accompany the rezoning application. Within 60 days from the date a statement of intent to submit proffers is filed, the applicant may request a conference with the director of community development and planning (director) to discuss the proffers or any other matter relative to the application which is deemed pertinent by the applicant or the director.

(b) The applicant shall submit proffers in writing to the director not less than 21 calendar days prior to the first public hearing on such application before the planning commission. The director shall file such proffers with the zoning administrator, and the proffers shall be attached to, and expressly made a part of the application for a change of zoning. In the course of the staff evaluation process, the applicant may change the proffers or submit additional proffers provided that such changes or additions are recommended by the director. Such changes shall be submitted in writing no less than seven calendar days prior to the public hearing before the planning commission, and shall be forwarded to the planning commission for its consideration. All proffers, and any subsequent changes including additions, shall be signed by the applicant and the property owner or owners.

(c) At or before the first public hearing before the planning commission, the director shall submit recommendations for proffers and forward to the planning commission such recommendations with the proffers proposed by the applicant.

(d) The planning commission may recommend to the city council additional proffers which the commission deems appropriate.

(e) Not less than 17 calendar days prior to the first public hearing before the city council on the subject application, the applicant may submit additional proffers in writing to the director; provided that such additional proffers are among those previously recommended by the director or the planning commission. The director generally shall file such additional proffers in the manner described in subsection (b) of this section.

(f) Prior to the close of the city council's public hearing on the subject application, the applicant may also propose amended proffers or additional proffers, if recommended by the city council. However, if such amendments to the proffers materially alter the application, then such application shall be referred back to the planning commission as provided in subsection (g) of this section.

(g) If the applicant desires to submit additional proffers or amend previously submitted proffers in a

manner that will materially alter the application, the application shall be referred to the planning commission for an additional public hearing and recommendation, and thereafter the application shall be considered as provided in this section. Costs of additional advertising and expenses of re-mailing additional notice shall be borne by the applicant.

(h) In the event that the city council adopts any such proffers as a part of the enactment of an amendment to the zoning map, the zoning administrator shall indicate the existence of such conditions when amending the zoning map by affixing the suffix "(p)" to the zoning district designated for the subject property in any such amendment to the zoning map (e.g., C-1(p); R-T6(p)). (Code 1978, § 26-6)

**Sec. 110-8. Zoning of properties coming into the territorial jurisdiction of the city.**

All property which comes into the territorial jurisdiction of the city by annexation, boundary adjustment or otherwise shall be deemed to temporarily be located within the R-1 residential zoning district; provided, however, that if any such property is part of a lot which is bisected by the city's jurisdictional boundary, then all of such lot shall be deemed to be temporarily located within the zoning district applicable to the portion of that lot which pre-existed in the city. Within six months after the effective date of such annexation or boundary adjustment, the temporary designations shall either be affirmed or different zoning designations assigned to such territory pursuant to section 110-5.

(Code 1978, § 26-6.1)